

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COYNESS L ENNIX, JR.,

No. C-07-02486 WHA (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE; ORDER  
SETTING TELEPHONIC HEARING**

RUSSELL D. STANTEN, ET AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

On October 12, 2007, counsel for Defendant Alta Bates Summit Medical Center (“ABSMC”) filed correspondence (the “October 12 Letter”) [Document 103] describing a discovery dispute between the parties and requesting guidance from Judge Alsup. Judge Alsup subsequently referred the matter to the undersigned for this and all future discovery matters.

A telephonic hearing has been set for **November 9, 2007, at 9:30 a.m.** Counsel shall telephone the Courtroom Deputy, Karen Hom, at (415) 522-2035, to apprise her of the names and telephone numbers of counsel who will participate in the telephonic hearing.

**LAW AND MOTION PROCEDURES**

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

Please contact the Courtroom Deputy to confirm or, if necessary, reschedule a hearing date. Regardless of whether the Court reschedules a hearing date, all opposition and reply papers shall be timely filed according to the originally noticed hearing date, pursuant to Civil L. R. 7-3.

1 In the event any additional **discovery disputes** arise, IT IS HEREBY ORDERED that before  
2 filing any discovery motion before this Court, the parties must comply with the following:

- 3 1. Lead trial counsel for both parties must meet and confer *in person* regarding the  
4 matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute,  
5 such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful.  
6 Once those efforts have proved unsuccessful, any party may demand a meeting of  
7 lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten  
8 (10) business days of the demand. The locations of the meetings shall alternate. The  
9 first meeting shall be at a location selected by counsel for Plaintiff(s). If there are any  
10 future disputes, the next such meeting shall be held at a location to be determined by  
11 counsel for Defendant(s), etc.
- 12 2. Within five (5) business days of the in-person meeting between lead trial counsel  
13 referred to above, the parties shall jointly file a detailed letter with the Court, **not to**  
14 **exceed three (3) pages**, which will include the matters that remain in dispute, a  
15 detailed substantive description of each side's position on each such issue, and a  
16 description of each side's proposed compromise on each such issue.
- 17 3. After the Court has received the joint letter, the Court will determine what future  
18 proceedings, if any, are necessary.

19 In the event that the parties continue to be unable to resolve the matters regarding the timing  
20 and scope of discovery, the Court will consider what future actions are necessary. These actions  
21 may include sanctions against a party failing to cooperate in the discovery process and meet and  
22 confer in good faith, as required by this Order, the Federal Rules of Civil Procedure, and the Local  
23 Rules of this Court. The Court fully expects counsel to meet their obligations under this Order and  
24 under the Local Rules.

25 A party or counsel has a continuing duty to supplement the initial disclosure when required  
26 under Fed. R. Civ. P. 26(e)(1).

27 Law and motion matters may be submitted without argument upon stipulation of the parties  
28 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L.

1 R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the  
2 date for service of the opposition. Thereafter, leave of the Court must be sought.

3 All filings of documents relating to motions referred to the undersigned shall list the civil  
4 case number and the district court judge's initials followed by the designation "(JCS)".

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6 **ELECTRONIC FILING AND COURTESY COPIES**

7 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of  
8 California for information relating to electronic filing procedures and requirements. All documents  
9 shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with  
10 those rules will not be considered by the Court.

11 BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC  
12 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE  
13 CONFORMED, **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED  
14 **"JCS'S CHAMBERS' COPY."**

15 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to  
16 Fed. R. Civ. P. 16(f).

17 IT IS SO ORDERED.

18  
19 Dated: October 31, 2007

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21 JOSEPH C. SPERO  
22 United States Magistrate Judge  
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